

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CONNECTICUT GENERAL LIFE  
INSURANCE COMPANY AND  
CIGNA HEALTH AND LIFE  
INSURANCE COMPANY

Plaintiff,

VS.

HUMBLE SURGICAL HOSPITAL, LLC

Defendant.

# JURY DEMANDED

CIVIL ACTION: 4:13-CV-3291

Humble Surgical Hospital's  
Emergency Motion to Compel Reasonable Disclosure of Trial Witnesses

Cigna has identified thirteen live witnesses on its witness list, and subpoenaed two more. Five of those live witnesses were listed by Humble, not Cigna, on its trial list and Cigna intends to call those five adverse: three are Humble employees, and the two subpoenaed witnesses are doctors who performed procedures at Humble and who have ownership interests in the facility as well.

The parties agreed that each witness will be called one time. If Cigna calls a Humble witness adverse, that witness likely will not take the stand again.

In light of this agreement and Cigna's fifteen possible live witnesses, Humble proposed that each side disclose the witnesses it intends to call on a particular trial day by 5:00 pm two days before that witness is called. For example, Tuesday's witnesses would be identified on Sunday by 5:00 pm, Wednesday's witnesses on Monday at 5:00 pm, and so forth.

Cigna rejected Humble's proposal, saying that it would disclose its witness the night before by 5:00 pm. Humble countered with a compromise of 9:00 am the day before. Cigna rejected the compromise.

Humble respectfully requests that this Court order the parties to disclose their trial witnesses (1) by 5:00 pm two days before a witness is anticipated to be called *or* (2) by 9:00 am the day before a witness is anticipated to be called. Cigna's proposed disclosure by 5:00 pm *the night before* is no disclosure at all and constitutes trial by ambush, and it is unreasonable to demand that all of Humble's witnesses, and third-party doctors with patient-focused practices stand ready to be summoned by Cigna in less than 16 hours (most of which are overnight hours).

Cigna has no good reason to delay disclosure. Cigna's refusal to agree to a reasonable witness disclosure schedule is simply designed to prejudice Humble and burden its witnesses.

Dated: January 8, 2016

Respectfully submitted,

By: /s/ John P. Lahad

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**CERTIFICATE OF SERVICE**

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